REMARKS

Favorable reconsideration and allowance of this application are requested.

1. Discussion of Amendments

By way of the amendment instructions above, each of claims 88, 106, 122 and 132 have been revised so as to clarify that the poly(carboxylic acid) polymer (A) is a homopolymer of an α,β-monoethylenically unsaturated carboxylic acid or copolymer of at least two types of α,β-monoethylenically unsaturated carboxylic acids or a mixture of at least two such polymers, wherein the α,β-monoethylenically unsaturated carboxylic acid is selected from the group consisting of acrylic acid, methacrylic acid, itaconic acid, maleic acid, fumaric acid and crotonic acid. Support for the amendments to such claims can be found in the originally filed specification at page 22, line 25 to page 23, line 4 and at page 24, lines 3-12.

Claims 95, 112, 128 and 138 have been amended so as to clarify that the oxygen permeability characteristics of the poly(carboxylic acid) polymer (A) are measured through a film formed solely of the poly(carboxylic acid) polymer (A). Support for such a revision can be found in the originally filed specification at page 25, line 15-24.

Therefore, upon entry of the present amendment, claims 88-140 will remain pending herein.

2. Response to 35 USC §112 Issues

The amendments to claims 95, 112, 128 and 138 are believed to address the Examiner's rejection advanced under 35 USC §112, first paragraph. Specifically in this regard, the oxygen permeability properties of the poly(carboxylic acid) polymer (A) are now stated in claims 95, 112, 128 and 138 in reference to the manner in which such properties are measured – namely, through a film formed solely of the poly(carboxylic

acid) polymer (A) under dry conditions of a temperature of 30°C and a relative humidity of 0%. Thus, the oxygen permeability properties expressed in such claims are entirely commensurate with the disclosure appearing on page 25, lines 15+.

Withdrawal of the rejection advanced under 35 USC §112, first paragraph is in order.

3. Response to 35 USC §102(b) Issues

Claims 88-94, 96-111, 113-127, 129-137 and 139-140 attracted a rejection under 35 USC §102(b) as allegedly being anticipated by WO 99/52973 ("the '973 publication"), using related USP 6,605,344 as the English-language translation thereof. As will become evident from the following discussion, the presently pending claims are patentable over the '973 publication.

Applicants note that the '973 publication discloses a gas-barrier film which is produced through applying a layer containing a metallic compound to a surface of a polymer layer formed from a mixture of a polyalcohol and at least one poly(meth)acrylic acid polymer (see col. 2, lines 19-23 and claim 1 in the related US patent (US 6,605,344)). That is, this gas-barrier film is formed from the poly(meth)acrylic acid component *in combination with* the polyalcoholic component.

In contrast, the film of the present invention as defined in the presently pending claims comprises a polyvalent metal salt of a carboxylic acid which is the reaction product of carboxyl groups of a poly (carboxylic acid) polymer (A) with a polyvalent metal compound (B) (see amended claim 88). Further, the precursor film of the present invention comprises a poly(carboxylic acid) polymer (A) and a polyvalent metal compound (B) (see amended claim 106). That is, the film and precursor film of the present invention are formed from the poly(carboxylic acid) polymer (A) *without* a polyalcoholic component (see entirely the Applicant's specification, particularly

Examples). Thus, the film and precursor film of the present invention differ from the gas-barrier film of the '973 publication in at least this respect.

Furthermore, it will be noted that the gas-barrier film of the '973 publication (which as noted above is formed by a combination with the polyalcoholic component) is insoluble in an acid or an alkali when the film is chemically treated by means of thermal treatment or the like (see the description at page 6, line 13 to page 7, line 9 and Comparative Example 2). In contrast, the film of the present invention, which is formed without the polyalcoholic component, is soluble in an acid or an alkali even when the precursor film is subjected to heat treatment (see the Examples in the Applicant's originally filed specification). The '973 publication fails to disclose or suggest such an unexpected result.

4. Conclusion

In view of the amendments and remarks above, applicants suggest that the presently pending claims are patentable over the '973 publication. As such, withdrawal of the rejection advanced under 35 USC §102(b) early passage of the present application to allowance are in order.

Should any small matters remain outstanding, the Examiner is encouraged to telephone the Applicants' undersigned attorney so that the same may be resolved without the need for an additional written action and reply.

5. Fee Authorization

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

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